

**Town of Milton  
Town Council Meeting Minutes  
Milton Theatre, 110 Union Street  
November 6, 2006**

**1. OPEN FLOOR: 7:15 p.m.**

Charlie Fleetwood: President of the Milton Community Foundation. Presented first project for a statue of John Milton to be completed by 2008, the anniversary of his 200<sup>th</sup> birthday dedicating it on December 9, 2008, John Milton Day. Mr. Fleetwood would like Council's endorsement of the project placing it in the Bi-Centennial Garden. Funds will be raised by the foundation. Ask to place on agenda for next month. Gave report of the 200<sup>th</sup> anniversary committee.

Lynn Ekelund: (406 Union St.): question on the unfinished business # 12D item. Who is the applicant? Mayor Post: Joanne Mattioni and Denise Suthard. Lynn Ekelund: objects to the way this was noticed. Are we still going to hear it? Mayor Post: Yes. Lynn Ekelund: spoke to Council regarding application approved with conditional use at the P & Z meeting of July 18<sup>th</sup>, 2006, and objects to not having a development review for the conditional use.

Katherine Greig: (Union St.) Gave Milton Garden Club report. Next fund raiser will be the Holly Festival.

Bob Blayne: (210 Chandler St.) applauded the Town Council for considering the privatization of the sewer system. Will the town delay charging the current \$8k sewer impact fee to developers, builders, and lot owners until the contract is awarded and selected company determines the same said impact fee? Assuming the new sewer impact fee is less than \$8k, will the developers, builders, lot owners who have already paid the full \$8k be reimbursed for the difference? Will the private utility companies charge new construction sewer impact fees at the time of the hook-up to the sewer system? Will the \$2,500 past sewer impact fees the town has utilized be returned to the sewer escrow account? Or trust fund? Mr. Brady: if the Town Council decides not to build a waste/water treatment plant, and instead seeks the services of a private company, the sewer impact fee will need to be revisited to determine the cost to the town for the services and the impact on the EDU at the time the building permit is released. Copies of his option will be able in person at Town Hall and on website.

Jim Welu: (30231 E Mill Run) strongly supports Council looking into the privatization of Artesian and Tidewater. What happens with the USDA proposal and will USDA funds be available if you go with privatization? Will the impact be a cost to the individual home owners if USDA provides any funds to the town for the sewage treatment plant? What was the reason for not issuing public notice of reason for the cancellation of meetings in preparation for the bond referendum? Why wasn't there public notification for potential cancellation for the bond issue itself? John Brady: with regard to cancellation of the referendum, it is not cancelled. It is on the agenda by a resolution proposed by one councilmember to be considered tonight to cancel it. With regard to the information meetings for privatization, the reason they were held in small groups is that both parties have proprietary information that if released to the public could cause an increase in what it would cost. Each wanted to give some information but that is some information in a presentation is neither an acceptance nor an approval by council. All of this has to be done in public. Mayor Post: When we talk about transparency there is internal and external and it is just as important for when we make decisions that we are informed 100%; something that hasn't happened in the past. My goal is to educate the people up here and myself to make a right decision for the people out there.

D.J. Hughes: (Shipbuilders Village) What is the status of street lights of Shipbuilders Village? What is the status with litigation with Shipbuilders? Regarding the sewer, what will be presented to the public as far as the private aspect of it? What will the effects of the user rates be going public verses private sector? Will the rates be based on user consumption or flat rates? Will there be different rates for new users versus existing users? Councilman Harris: As for why wasn't it pursued a couple of years ago with the privatization companies, there really wasn't a solid answer. With the influx of people our options have opened up. Mr. Brady: rates must be approved by the Public Service Commission for these users. Councilwoman Betts: We have been checking into the streetlights and we have to find out who is responsibility it is to install the street lights. D. J., are you referring to the street lights that are burned out or the ones not installed? D.J. Hughes: The ones that have not been installed. Councilwoman Betts: usually it is the developer's responsibility and as soon as we can we will check as to what has happened in the past. Mr. Brady: With regard to the litigation, I have some of that information but am not at the point of where I can release it. It hasn't been resolved, although I am hoping for resolution shortly.

**Closed Open Floor:** 7:44 p.m.

## **2. REGULAR MEETING** opened at 7:55 p.m.

Pledge of Allegiance  
Mayor Post called roll.

Present: Councilman Frey  
Councilman Harris  
Councilman Dvornick  
Councilman Prettyman  
Councilwoman Melson  
Councilwoman Betts  
Mayor Post

### **Additions/corrections to the agenda:**

Mr. Brady: it should have said, 309 Union St. for the motion and reconsideration. The agenda should be amended to reflect that. Councilman Frey: made a motion for reconsideration to reflect address. Councilman Dvornick: Seconds it. All in favor- "Aye", Opposed-None. Motion carried.

Councilman Dvornick: made a motion to approve the agenda as amended. Councilman Prettyman: Seconds it. All in favor- "Aye", Opposed-None. Motion carried.

### **Approval of minutes:**

September 25, 2006 special meeting

Councilman Dvornick: made a motion to accept minutes in written form. Councilman Harris: Seconds it. All in favor "Aye", Opposed-None. Motion carried.

October 2, 2006 regular meeting

Councilman Dvornick: made a motion to accept minutes in written form. Councilman Harris: Seconds it. All in favor “Aye”, Opposed-None. Motion carried.

**Committee Reports:**

200<sup>th</sup> Anniversary: No Report.

Charter: Joan Martin-Brown gave report.

Historic District Zoning Revision: Stephanie Parker gave report, first meeting is tonight.

Planning & Zoning: Nothing to report.

Parks & Recreation: Councilman Harris gave report. Spoke regarding the life-size bronze sculpture of John Milton to be placed in the Bi-Centennial Garden. Moving forward for the pavilion in the garden. Councilwoman Betts: We did get approved for funding, although I don’t have the amount.

Economic Development: Councilman Harris gave report. Milton’s Sausage and Scrapple plant has a new store front. Feels there needs to be a friendly atmosphere for small businesses. “Norma Krauss and I are working on a packet for potential small businesses”.

Personnel: no report.

New Sewer Plant, WWTF: met on October 12, 2006, and as a result of the introduction of the privation, the meeting was cancelled that night.

Streets & Sidewalks: Councilwoman Betts stated streets that have been requested to be redone are: Betts St., Waples Place, Spruce, Chandler, and Hemlock, under contract with Cabe Associates and they will be providing the services. Cabe contracting will provide the final design documents within 6 weeks of contract signing, which was October 31, 2006.

Demolishing of Buildings, GMB Engineers stated they are in the process of obtaining the necessary permits from all Federal, State, and Local agencies to demolish the building. They assure us that the progress is moving as fast as possible.

Cabe has submitted a report to relieve the flooding problem on Federal and Church. There will be construction of a new storm/sewer from the new catch basin to an existing catch basin on Federal St. The street committee will be reviewing this project and may be seeking approval from the council.

Town Manager: George Dickerson – Are there any comments from the council regarding tree ordinances that were handed out last meeting? Councilman Harris: Feels Rehoboth’s tree ordinance is little to comprehensive for Milton at this time. Suggests Tree City USA.

Councilman Harris made a motion that we should turn the tree ordinances over to the Ordinance

Review Committee to get their input. Have them review it and come back to us for next month.  
Councilman Dvornick: Seconds the motion. All in favor “Aye”, Opposed-None. Motion carried.

#### Town Manager’s Report:

George Dickerson: Town Clerk is doing fine and will be out for the next week. Robin Davis was sworn in as a justice of the peace, Code Enforcement Officer for the Town of Milton.

Virginia and Stephanie met with the engineers of Becker Morgan, DelDot Engineers with regard to Rails & Trails project. Gave report on meeting.

New Town Hall – the address is 115 Federal and the Town owns the building.

Meetings regarding waste water and privatization. Presentations made by Tidewater and Artesian to council on 3 separate occasions. Mr. Brady was also included in these meetings so there was not a majority at any one meeting.

Boat dock rental agreement – 6 rental slips on the Broadkill and there have not have been a written policy. I wrote a policy and would appreciate everyone to view it and will make any changes recommended. I am looking for guidance as to the details of the rental Councilwoman Betts: – I feel that persons who have slips now should be notified so they have the opportunity to renew it.

Mr. Dickerson: information received from Sussex County Planning and Zoning which contains the time and date of the hearing regarding a business located out of town. The letter is from a vendor with regard to the waste water treatment plant and there are 2 contracts we signed with this vendor. I am seeking approval from the Council. Mr. Mayor: I think this should be given to the Town Solicitor to write, and review any options, a contract for the increase in the dollar amounts.

Mr. Dickerson: went over account balances as of Oct. 31, 2006. Councilman Dvornick: I suggest putting it on the website.

Code Enforcer Report: Councilwoman Melson made a motion to accept as written. Councilman Dvornick seconds it. All in favor “Aye”, Opposed-None. Motion carried.

Public Works: Councilman Dvornick made a motion to accept as written. Councilman Prettyman seconds it. All in favor “Aye”, Opposed-None. Motion carried.

Police Report: Councilman Prettyman made a motion to accept as written. Councilwoman Betts second it. All in favor “Aye”, Opposed-None. Motion carried.

#### **Unfinished Business**

Resolution to cancel referendum: Mr. Brady read the resolution to cancel referendum. Councilman Dvornick made a motion to accept. Councilman Harris seconds it. All in favor “Aye”, Opposed-None. Motion carried.

Town Solicitor Opinion Non-Residing Voters. Mr. Brady: read opinion. Mr. Mayor: I think that should be put to the charter committee for consideration, since we already have an established committee for the charter and they can review it.

Town Solicitor’s opinion regarding Sewer Impact and Annexation. Mr. Brady: read opinion.

Motion for consideration of approval with conditions. The applicant is not asking council to vacate approval, but to have DelDot review it, 309 Union St. Is there someone here on behalf of the applicant? Joanne Mattioni: We request that this restriction be lifted, feels the conditions are impossible to meet. No one in town has been required to meet these requirements, and also financially it would be a hardship. There was a business run from this same address in the past and they didn't have to meet these guidelines. Councilman Harris: When you appeared in front of Planning & Zoning did they go over the conditions with you? Joanne Mattioni: No.

Councilman Harris: I suggest when a business application is applied for; it needs to be clearly explained to the petitioner. Mr. Mayor: Salon Milton is a great example of a small business with only a 2-car parking space. We also need to be very uniform when we place restrictions, because I don't think we have ever had a business have to consult DelDot for a business on Federal and Union. Councilman Harris: What about the bed & breakfast, was there a DelDot study done for that entrance? Mr. Mayor: I've seen business's open in last 11 years that by today's standard would never have been opened. I don't think we are in the position to pick and choose who we get as far as business. Councilman Harris: Is it physically impossible to turn your driveway into a 25' driveway? Joanne Mattioni: Yes, it is. Councilman Harris: Mr. Brady is it possible, regardless of the outcome this evening, to get formal documentation from DelDot, of what the policy needs to be. Mr. Brady: I believe the Town Manager can get that from DelDot. Mr. Mayor: If you knew at that time when you entered into the town hall to apply for the license that wouldn't have put these restrictions on you, would you have gone that other use? Joanne Mattioni: Yes, absolutely. Councilman Frey: Why did the planning board approve it, knowing that they couldn't meet DelDot's requirements? Mr. Mayor: There were 4 restrictions placed on the approval. No more than 2 parking spaces for the business. Business space can not be larger than 275 square feet. One year review from submission of final site plan and need approvals from all state agencies, not limited to, but including DelDot, Fire Marshall, and Sewer/Water Management. Mr. Mayor: The town engineer stated that the site plan wasn't complete, and he suggested it should be approved for preliminary site plan. I don't think he realized it was a foot short. Councilman Harris: When you approved it, it was with those four conditions. The applicant is requesting relief from the DelDot approval and wishes to apply with the remaining requirements. I make a motion for approval with the DelDot approval not being one of the conditions. Councilwoman Melson seconds it. All in favor" Aye", Opposed-None. Substain-1. Motion carried.

## **New Business**

### First reading Historical Preservation

John Brady: read act to amend the zoning ordinance of the Town of Milton, amending 4.96, 4.97, 4.97 subsection 4, 4.99, 4.910, 4.911, 4.96. This is the First Reading. Copies should be placed on the website, the press, Ordinance Committee, and the Board of Adjustment for review. After reviewed they can be brought back up, in front of Town Council for a final reading, with any amendments.

First reading Sex Offender Ordinance, amending chapter 11, establishing article 17, relating to registered sex offenders and the location of there residence in the town. Mr. Brady read.

First reading of the Zoning Ordinance Amendment, Article 8, section 7. Code Enforcement Officers powers. Article 8 section 8.07, subsection 5. These amendments clarify the enforceability of sign ordinance within the Town of Milton.

Article 13, Section 13.1 of the Zoning Ordinance for the Town of Milton. Article 8 is sections 1, 2, 3. Article 13 is section 4, 5.

Councilman Dvornick made a motion for all ordinances to receive the first reading to the appropriate committees. Councilman Harris seconds it. All in favor. “Aye”, Opposed-None. Motion carried.

Ratification vote for the Milton Theatre for parking restrictions.

Councilman Harris made a motion to accept the ratified vote. Councilwoman Betts seconds it. All in favor. “Aye”, Opposed-None. Motion carried.

Resolution adopting FOIA (Freedom of Information Act) policy.

Councilman Dvornick made a motion to adopt the resolution regarding the FOIA. Councilman Prettyman seconds it. All in favor. “Aye”, Opposed-None. Motion carried.

Proposed Capital Improvement Budget Plan. Mr. Dickerson reported.

Christmas Eve Holiday.

Most of the employees would like to have the 1/2 day the Friday after Christmas off and then to use 1/2 day comp/vacation time. Councilman Harris made a motion to accept Holiday request. Councilwoman Betts seconds it. All in favor. “Aye”, Opposed-None. Motion carried.

Public Comment Procedures - posted on the website, or you can come in to Town Hall for a copy.

Councilwoman Betts made a motion to begin Executive Session, starting at 9:20 p.m.

Councilman Dvornick seconds it.

Councilwoman Betts made a motion to exit executive session at 9:25p.m. Councilman Dvornick seconds it. All in favor. “Aye”, Opposed-None.

Councilman Dvornick made a motion to adjourn. Councilman Harris seconds it. All in favor. “Aye”, Opposed-None.

Respectfully Submitted,

Julie Powers  
Executive Secretary